

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jacqueline Levy(F)	Team: Team # 5	CCRB Case #: 201102877	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/26/2011 6:20 PM	Location of Incident: 5th Avenue and 73rd Street	Precinct: 68	18 Mo. SOL 8/26/2012	EO SOL 8/26/2012	
Date/Time CV Reported Tue, 03/01/2011 2:35 PM	CV Reported At: IAB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 03/07/2011 2:12 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Qamar Zaman	02965	942738	068 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Qamar Zaman	Off. Language: PO Qamar Zaman made remarks to § 87(2)(b) based upon ethnicity.	
B.POM Qamar Zaman	Abuse: PO Qamar Zaman threatened to arrest § 87(2)(b)	

Case Summary

On March 1, 2011, § 87(2)(b) filed this complaint with IAB in person. It was received at the CCRB on March 7, 2011 via log number 11-09209. On February 26, 2011, at approximately 6:20 p.m., at 5th Avenue and 73rd Street in Brooklyn, PO Qamar Zaman pulled over § 87(2)(b) for not wearing a seatbelt while § 87(2)(b) was attempting to park his vehicle. The following allegations resulted:

- **Allegation A – Offensive Language:** PO Qamar Zaman made remarks to § 87(2)(b) based upon ethnicity.
- **Allegation B – Abuse of Authority:** PO Qamar Zaman threatened to arrest § 87(2)(b)

§ 87(2)(g)

This complaint was eligible for mediation, however § 87(2)(b) rejected mediation.

Results of Investigation

Civilian Statement

Complainant/victim: § 87(2)(b)

- § 87(2)(b) a § 87(2)(b) old white male, is 5'10" tall, weighs 195 pounds, and has black hair and black eyes. § 87(2)(b)

CCRB Testimony

On March 1, 2011, § 87(2)(b) filed this complaint with IAB in person (encl. 2A). On March 9, 2011, § 87(2)(b) provided a telephone statement (encl. 5A). Also on March 9, 2011, § 87(2)(b) provided via email a letter that he stated that he had sent to IAB (encl. 4A-B). On March 17, 2011, § 87(2)(b) provided a sworn statement at the CCRB (encl. 5B-F). § 87(2)(g)

On February 26, 2011, at approximately 6:20 p.m., § 87(2)(b) was in his black 2003 Mercedes S430, Pennsylvania dealer license plate number § 87(2)(b) outside of 7206 5th Avenue near 73rd Street in Brooklyn. He was not wearing his seatbelt. He was waiting to pull into a parking space and had just begun to back in when PO Zaman pulled up behind him in a black Crown Victoria. PO Zaman was alone in the vehicle. PO Zaman turned on his lights and said, "Move the car," over the speaker. § 87(2)(b) rolled down his window and said, "I want to get in the spot." He did not know if PO Zaman heard him. PO Zaman asked again. § 87(2)(b) spoke louder and said again, "I want to get in the spot." PO Zaman told § 87(2)(b) to move again and he complied. After § 87(2)(b) had driven approximately two car lengths, PO Zaman told § 87(2)(b) to stop. § 87(2)(b) stopped.

PO Zaman walked to § 87(2)(b)'s window and asked for his driver's license and registration, which § 87(2)(b) provided. PO Zaman asked why § 87(2)(b) was not wearing his seatbelt. § 87(2)(b) said it was because he was backing up and cannot look back when he has his seatbelt on. § 87(2)(b) was speaking at a normal tone. PO Zaman looked at § 87(2)(b)'s driver's license and said, "§ 87(2)(b) Bin Laden, what are you doing in Bay Ridge?" § 87(2)(b) said, "I'm buying Halal meat from the store," and asked why PO Zaman told him to move. PO Zaman said, "Don't ask." § 87(2)(b) said, "You're wrong." PO Zaman

said, "Do you want to get arrested?" § 87(2)(b) said, "For what?" PO Zaman said, "Wait," and went back to his vehicle.

After waiting approximately five minutes, § 87(2)(b) called 911 and stated that he was being harassed by an officer. The operator informed § 87(2)(b) that a sergeant from the 68th Precinct would respond. After another five minutes, PO Zaman returned to § 87(2)(b)'s vehicle and handed him a parking summons for double parking, a traffic summons for driving without a license, and a § 87(2)(b) summons. PO Zaman said, "If I see you here again, I'm going to arrest you." PO Zaman went back to his vehicle.

Attempts to Contact Civilians

While both PO Zaman and § 87(2)(b) stated that passers-by observed the interaction, there are no descriptions of these individuals and the area is a business district. Thus these individuals are unlikely to be identified. Further, because these individuals were either on the sidewalk that was on the passenger's side of the vehicle or across 5th Avenue, they would have been unable to hear the details of the conversation between PO Zaman and § 87(2)(b) from which the allegations stemmed. § 87(2)(g)

NYPD Statement

Subject Officer: PO QAMAR ZAMAN

- *PO Zaman is an Asian male who is 6'1" tall, weighs 220 pounds, and has black hair and brown eyes.*
- *On February 26, 2011, PO Zaman worked from 5:30 p.m. to 11:35 p.m. He took lost time between 3:00 p.m. and 5:30 p.m. He was working alone, in uniform, and in an unmarked vehicle. His assignment was traffic violation enforcement.*

Memo Book (encl. 6A-D)

PO Zaman noted that at 6:20 p.m., he performed a car stop at 5th Avenue and 73rd Street and issued the following two summonses at 6:25 p.m.: § 87(2)(b) for no seatbelt and § 87(2)(b) for § 87(2)(b). These were issued to driver ID number § 87(2)(b) in a vehicle with Pennsylvania license plate number § 87(2)(b).

Traffic Summons Number § 87(2)(b) (encl. 7A)

The summons indicates that PO Zaman observed § 87(2)(b) driving without a seatbelt on February 26, 2011 at 6:20 p.m. at 5th Avenue and 73rd Street in Kings County.

Criminal Court Summons Number § 87(2)(b) (encl. 7B)

The summons indicates that § 87(2)(b) committed § 87(2)(b) on February 26, 2011 at 6:21 p.m. at 5th Avenue and 73rd Street in Kings County.

Parking Summons Number § 87(2)(b) (encl. 7C)

The summons indicates that PO Zaman observed a black Mercedes-Benz with Pennsylvania license plate number § 87(2)(b) double parked opposite of 7221 5th Avenue in Kings County on February 26, 2011 at 6:30 p.m.

CCRB Testimony (encl. 8A-C)

On April 6, 2011, PO Zaman, shield number 2965, of the 68th Precinct, was interviewed at the CCRB.

On February 26, 2011, at approximately 6:20 p.m., PO Zaman observed § 87(2)(b) traveling southbound on 5th Avenue at 71st Street in Brooklyn, which is a business district. § 87(2)(b) was not wearing a seatbelt. PO Zaman pulled him over at 73rd Street using his lights and siren. § 87(2)(b) complied and promptly pulled over. § 87(2)(b) was stopped in the middle of the block. PO Zaman did not speak to § 87(2)(b) using the microphone at this time. PO Zaman parked halfway out into the street beyond § 87(2)(b)'s vehicle in a tactical safety manner which caused him to block an entire lane of 5th Avenue. PO Zaman never observed § 87(2)(b) attempt to pull into a parking spot or put his car in reverse.

PO Zaman approached § 87(2)(b)'s vehicle and asked for his driver's license, registration, and insurance. § 87(2)(b) said, "What are fucking you pulling me over for? You're prejudiced. Fuck the police. I can't believe this." PO Zaman said, "Sir, you're making a scene here." PO Zaman told § 87(2)(b) that he pulled him over because he was not wearing a seatbelt. § 87(2)(b) stated that he was looking to park. PO Zaman informed him that New York law states that when the vehicle is in motion, he has to wear his seatbelt. § 87(2)(b) cursed repeatedly. PO Zaman had to ask § 87(2)(b) nine or ten times to provide his license, registration, and insurance. § 87(2)(b) said, "I'm not going to fucking give it to you. You have a computer. You look it up." A crowd of eight or nine people started to gather; several were on the sidewalk and several were across the street. Some of them moved into the street between the parked cars. PO Zaman did not interact with them. PO Zaman said, "Sir, you're being disorderly in public." § 87(2)(b) said, "I don't fucking care. Issue any tickets you want to. I don't care about tickets. I'm going to report you. I'm going to call Internal Affairs on you." Eventually, § 87(2)(b) provided the documents. Upon looking at the documents, PO Zaman did not say, "§ 87(2)(b) Bin Laden, what are you doing in Bay Ridge?" He did not make any reference to § 87(2)(b) Bin Laden. He did not tell § 87(2)(b) that he could be arrested, though he could have been arrested for disorderly conduct and refusing to provide his documents so that PO Zaman could confirm his identity.

PO Zaman returned to his vehicle and wrote out one summons for driving without a seatbelt and another for disorderly conduct which took him at least five minutes. Before PO Zaman could hand him the summonses, § 87(2)(b) called him prejudiced and told PO Zaman that he had just called Internal Affairs. PO Zaman tried to explain the summonses but § 87(2)(b) would not let him. PO Zaman handed § 87(2)(b) the summonses and returned to his vehicle.

PO Zaman waited for five minutes to give § 87(2)(b) the opportunity to read the summonses. Because of the way PO Zaman and § 87(2)(b) were stopped, traffic was building up behind them. PO Zaman spoke to § 87(2)(b) over the microphone and instructed him to move his car. PO Zaman initially stated that he issued this instruction at least nine or ten times then later stated that he issued the instructions five to seven times. § 87(2)(b) turned off his car, took his keys, and opened the car door as if he was about to get out of the car. PO Zaman repeated to § 87(2)(b) over the microphone that he was double parked and needed to move his car. PO Zaman approached § 87(2)(b)'s vehicle again and issued § 87(2)(b) a summons for double parking. § 87(2)(b) stated again that PO Zaman could write him any summons he wanted and that he had reported PO Zaman to Internal Affairs. PO Zaman did not say, "If I see you here again, I'm going to arrest you."

Other Evidence

Audio Recording of the Incident Provided by PO Zaman (encl. 9A)

On April 6, 2011, PO Zaman provided audio from a portion of the incident via email. The audio shows that PO Zaman attempted to explain the summons for driving without a seatbelt and that § 87(2)(b) repeatedly talked over PO Zaman. § 87(2)(b) told PO Zaman that he had reported PO Zaman to Internal Affairs because PO Zaman was prejudiced. § 87(2)(b)

stated that he did not care how many tickets he received. PO Zaman told § 87(2)(b) “I hope you go to court on this because everything gets recorded.” § 87(2)(b) said, “I’m not going to court. I’m going to Internal Affairs.” PO Zaman, “You should.” It then sounded as if PO Zaman walked away. The volume of the conversation did not change.

Summonses for Incident and Disposition

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of April 8, 2011 with regard to the incident (encl. 10D).

Civilian Criminal History

- § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 1B).

Subject Officer CCRB History

- PO Qamar Zaman has been a member of the service for 4 years and there are no substantiated CCRB allegations against him (encl 1A).

Conclusion

Identification of Subject Officer

- PO Zaman acknowledged interacting with § 87(2)(b) and issuing him three summonses.

Investigation Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(g)

§ 87(2)(b) also initially alleged that PO Qamar Zaman ripped his registration in half. This allegation was not repeated during his telephone statement or his sworn statement § 87(2)(g)

Allegation A: PO Qamar Zaman made remarks to § 87(2)(b) based upon ethnicity.

Allegation B: PO Qamar Zaman threatened to arrest § 87(2)(b)

§ 87(2)(b) alleged that PO Zaman, after observing that § 87(2)(b)'s first name is § 87(2)(b) said, § 87(2)(b) Bin Laden, what are you doing in Bay Ridge?” He also alleged that PO Zaman told him that if he ever saw § 87(2)(b) again, he would arrest him. PO Zaman denied making these statements. § 87(2)(g)

Investigator: _____ Jacqueline Levy _____
Signature Print Date

Supervisor: _____
 Title/Signature Print Date

Reviewer: _____
 Title/Signature Print Date

Reviewer: _____
 Title/Signature Print Date